

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

DEC 2 2011

John A. Clarke, Executive Officer/Clerk
BY Mary Flores, Deputy

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4 Attorney for Plaintiff, Erick Sharrow
5 and those similarly situated

Complex

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10
11 Erick Sharrow, on behalf of himself and all
12 others similarly situated,

13 Plaintiff,

14 vs.

15 T-Mobile USA, Inc. a Delaware
16 Corporation, H.T.C. CORPORATION, a
17 Delaware Corporation, CARRIER IQ, INC.,
a Delaware Corporation and DOES 1 to 20,
inclusive,

18 Defendants.

Case No

BC 47 454 3

19 CLASS ACTION COMPLAINT FOR
20 VIOLATIONS OF:

- 21 1) California's Invasion of Privacy Act,
California Penal Code section 630, *et*
22 *seq.*;
23 2) California's Unfair Competition Law,
California Business & Professions
Code sections 17200, *et seq.*

24 [UNLIMITED JURISDICTION]

25 CLASS ACTION

26 Plaintiff Erick Sharrow, individually and on behalf of the proposed Class described below
(collectively referred to herein as "Plaintiff"), alleges and avers as follows:

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CIT/SEE: BC474543 LEA/REF:
RECEIPT #: EC478057015
DATE PAID: 12/02/11 08:57:18 AM
PAYMENT: \$945.00 0310
RECEIVED:

CHECK:
CASH:
CHANGE:
CREDIT: 945.00

324
Erick A. Sharrow

FOR COMPLEX DETERMINATION ONLY
THIS CASE IS ASSIGNED TO DEPT 334 OF THE COMPTON CONTROL GROUP

1 **NATURE OF ACTION**

2 1. This is a class action by Plaintiff, on behalf of himself and all others similarly
3 situated, against Defendants T-Mobile USA, Inc. a Delaware Corporation, H.T.C.
4 CORPORATION, a Delaware Corporation, CARRIER IQ, INC., a Delaware Corporation and
5 DOES 1-20, inclusive ("Defendants") arising out of Defendants' policy and practice of secretly
6 recording telephone calls with persons located in California without their consent.

7 2. Defendants have installed software, IQRD or other software with similar
8 capabilities, on cell phones that surreptitiously runs on each cell phone but the software use is not
9 indicated. Unknown to Plaintiff and the proposed class herein this software records and transmits
10 to Defendants keystrokes, content of text messages and passwords. Even if the secret software is
11 found then it cannot be disabled nor can the consumer choose to quit it.

12 3. Defendants' policy and practice of surreptitiously intercepting communications
13 violates California Penal Code section 630, et seq. ("California's Invasion of Privacy Act") which
14 prohibits the interception of confidential communications made without the consent of all parties
15 to the communication. Under the California's Invasion of Privacy Act it is illegal "to willfully and
16 without the consent of all parties to the communication, or in any unauthorized manner, reads, or
17 attempts to read, or to learn the contents or meaning of any message, report, or communication
18 while the same is in transit ...or is being sent from, or received at any place within this state;...".

19 4. Erick Sharrow brings this action seeking liquidated damages pursuant to Section
20 637.2 on behalf of himself as well as on behalf of the members of the proposed classes herein.

21 5. Additionally, this action arises under California's Unfair Competition Law, *et seq.*,
22 which prohibits the commission of unlawful, unfair and fraudulent business acts and practices.

23 6. The use of "Defendants" in this Complaint includes T-Mobile USA, Inc. a
24 Delaware Corporation and H.T.C. CORPORATION, a Delaware Corporation, CARRIER IQ,
25 INC., a Delaware Corporation and all of their respective agents, employees, officers, members,
26 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and
27 insurers of each Defendant.
28

7. In violation of California's Invasion of Privacy Act, Defendants herein secretly intercepted, received, recorded and/or monitored communications of Plaintiff without adequately advising Plaintiff, at the outset of the communication, that the communication was being recorded and monitored.

8. In violation of California's Invasion of Privacy Act, Defendants intercepted, received, recorded and/or monitored Plaintiff's, and the proposed classes herein, communications without consent.

9. The actions, omissions, misrepresentations, practices and non-disclosures of Defendants as alleged herein constitute an unlawful business practice in violation of California Business & Professions Code section 17200, *et seq.* Defendants have specifically engaged in “unlawful” business acts and practices by violating California’s Invasion of Privacy Act.

JURISDICTION AND VENUE

10. This Court has jurisdiction over all causes of action asserted herein pursuant to the California Constitution, Article VI, section 10, because this case is a cause not given by statute to other trial courts, as this action is brought pursuant to California Penal Code section 630, *et seq.* and California Business & Professions Code section 17200, *et seq.* to remedy Defendants' violations of law.

11. This Court has personal jurisdiction over the Defendants named herein because each defendant is an entity that does sufficient business in California or an entity with sufficient minimum contacts with California to render the exercise of jurisdiction by the California courts permissible under traditional notions of fair play and substantial justice.

12. Venue is proper in this Court because one or more of the Defendants have received substantial compensation in this County by doing business here and engaging in numerous activities that had an effect in this County and State.

13. Defendant CARRIER IQ, INC.'s principal place of business is California.

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PARTIES

14. Plaintiff, Erick Sharrow, is a natural person residing in Los Angeles County, California.

15. Defendants DOES 1 through 20 are persons, corporations, partnerships or other entities who have done or will do acts otherwise alleged in this complaint. Defendants DOES 1 through 20, inclusive, at all times mentioned herein, have acted and are continuing to act in concert with each other, and each of them has participated in the acts and transactions referred to below and each of them is responsible for said acts and transactions.

16. Plaintiff is currently ignorant of the true names and capacities, whether individual, corporate, associate, or otherwise, of the Defendants sued herein under the fictitious names Does 1 through 20, inclusive, and therefore, sue such Defendants by such fictitious names. Plaintiff will amend this complaint to allege the true names and capacities of said fictitiously named Defendants when their true names and capacities have been ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously named Doe Defendants is legally responsible in some manner for the events and occurrences alleged herein, and for the damages suffered by Plaintiff and the Class. Each reference in this complaint to "Defendants," "Defendant," or a specifically named defendant refers also to all Defendants sued under fictitious names.

17. Plaintiff is informed, believes, and thereon alleges that all Defendants were at all relevant times acting as actual agents, conspirators, aiders and abettors who provided substantial assistance with knowledge of the wrongful conduct, ostensible agents, partners and/or joint venturers and employees of all other Defendants, and that all acts alleged herein occurred within the course and scope of said agency, employment, partnership, joint venture, conspiracy and/or enterprise, and with the express and/or implied permission, knowledge, consent, authorization and ratification of their Co-Defendants; however, this allegation is pleaded as an "alternative" theory wherever not doing so would result in a contradiction with other allegations.

18. As an alternative theory, Plaintiff is informed and believes, and on that basis alleges, that Defendants are alter egos of each other. Plaintiff is informed, believes, and on that

1 basis alleges, that there is common control over Defendants, and they operate pursuant to a
2 common business plan. There is unity of interest among Defendants. The alternative alter-ego
3 relationship among the Defendants should be recognized to prevent an injustice. If the alter-ego
4 relationship among Defendants is not recognized, an inequity will result because an entity
5 responsible for wrongdoing will be shielded from liability. Moreover, the Co-Defendant entities
6 that make, in whole or in part, the decisions would escape liability, which is iniquitable.
7 Furthermore, the alter ego relationship should be recognized to ensure effective injunctive and
8 declaratory relief, so that the wrongful practices alleged herein are not relocated to an affiliated
9 company.

10 **FACTUAL ALLEGATIONS**

11 19. Unknown to Plaintiff at the time, whenever Plaintiff sent a text message or supplied
12 a password, Defendants were secretly intercepting, receiving, recording and/or monitoring these
13 confidential communications which Plaintiff expected to be private. The interception, receipt,
14 recordings or monitoring were done without Plaintiff's consent. At no time did Plaintiff consent to
15 the interception, receipt, recording or monitoring of his communications nor did Plaintiff receive a
16 meaningful or sufficient advance advisory that any of these communications would be intercepted,
17 received, recorded and/or monitored by Defendants.

18 20. Defendants have persisted in a course of conduct against Plaintiff in a manner that
19 violated the California Invasion of Privacy Act by failing to inform Plaintiff and other consumers
20 that Defendants were secretly intercepting, receiving, recording and/or monitoring
21 communications by them.

22 **POLICIES AND PRACTICES COMPLAINED OF**

23 21. It is the policy and practice of Defendants to engage in intercepting and receiving
24 communications by residents of the State of California and to record and/or monitor these
25 communications without advising such persons that such communications are being recorded, in
26 violation of California Penal Code section 630, *et seq.* and California Business & Professions
27 Code section 17200, *et seq.*

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CLASS ALLEGATIONS

22. Plaintiff brings this action on his own behalf and on behalf of all other persons similarly situated, pursuant to the provisions of California Code of Civil Procedure section 382.

The class that Plaintiff seeks to represent ("the Class") is defined herein as:

All consumers who had their cellphone text messages and/or passwords intercepted, received, recorded and/or monitored without prior warning or consent by Defendants.

23. Excluded from the Class are all managers and directors of Defendants and members of their immediate families, the Court, and legal counsel for either side, and all members of their immediate families.

24. The identities of the Class members are ascertainable from Defendants' records.

25. This action has been brought and may properly be maintained as a class action because there is a well-defined community of interest in the litigation:

a. **Numerosity:** The Class is so numerous that joinder of all members is impractical. Upon information and belief, the Defendants have sold thousands of devices that allow them to secretly intercept, receive, record and/or monitor the communications of consumers, there are likely more than 1,000 members of the Class.

b. **Common Questions Predominate:** There are questions of law and fact common to the Class, which questions predominate over any questions affecting only individual members. The principal issues include, *inter alia*:

- i. Whether Defendants violated California's Invasion of Privacy Act by secretly intercepting, receiving, recording and/or monitoring communications of consumers without obtaining the consumer's consent; and
- ii. Whether Defendants violated California's Unfair Competition Law by secretly intercepting, receiving, recording and/or monitoring

1 communications of consumers without obtaining the consumer's consent.

2 iii. Whether Defendants are liable for liquidated damages to the Class.

3 c. **Typicality:** Based on the conduct described above, Plaintiff's claims are typical of
4 the claims of the members of the Class. Plaintiff and all members of the Class have similar
5 claims and remedies arising out of Defendants' common course of conduct complained of
6 herein.

7 d. **Adequacy:** Plaintiff will fairly and adequately protect the interests of the members
8 of the Class. Plaintiff is committed to vigorously litigating this matter, and has retained
9 counsel experienced in handling class claims and claims involving unlawful collection
10 practices. Neither Plaintiff nor Plaintiff's counsel have any irreconcilable conflicting
11 interests that might cause them not to vigorously pursue this claim.

12 e. **Superiority:** Due to the secretive nature of Defendant's intercepting, receiving,
13 recording and/or monitoring communications, Plaintiff and the members of the Class are
14 not informed by Defendant that they are being secretly intercepting, receiving, recording
15 and/or monitoring upon so they may never know that Defendants are violating their rights.
16 A class action is superior to other available means for the fair and efficient adjudication of
17 this controversy since individual joinder of all members would be impracticable. Class
18 action treatment will permit a large number of similarly situated persons to prosecute their
19 common claims in a single forum simultaneously, efficiently, and without the unnecessary
20 duplication of effort and expense that numerous individual actions would engender.
21 Furthermore, since individual members' claims for damages are relatively modest, the
22 expenses and burdens of litigating individual actions would make it difficult or impossible
23 for individual members of the Class to redress the wrongs done to them. An important
24 public interest will be served by addressing the matter as a class action, substantial
25 economies to the litigants and to the judicial system will be realized, and the potential for
26 inconsistent or contradictory adjudications will be avoided.

27 ///

1 **FIRST CAUSE OF ACTION**

2 **(For Statutory Damages and Injunctive Relief Under California Penal Code § 637.2(a)-(b)**

3 **Based on Violations of California Penal Code § 630, et seq.)**

4 **(Against All Defendants)**

5 26. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
6 though fully stated herein.

7 27. At all times relevant herein, Defendants have made use of software that enables
8 them to secretly intercept, receive, record and/or monitor Plaintiff's communications.

9 28. Plaintiff's communications were secretly intercepted, received, recorded and/or
10 monitored by Defendants without any advisory that the communication could be intercepted,
11 received, recorded and/or monitored, or without obtaining advance consent to secretly intercept,
12 receive, record and/or monitor said communications, in violation of California's Invasion of
13 Privacy Act.

14 29. All communications that have been secretly intercepted, received, recorded and/or
15 monitored by Defendants were "confidential communications" within the meaning of California's
16 Invasion of Privacy Act. Plaintiff and the Class had an objectively reasonable expectation that
17 their communications were not being secretly intercepting, receiving, recording and/or monitoring.
18 The existence of a reasonable expectation of privacy is supported by the fact that Defendants did
19 not inform their customers and/or potential customers who were located in California that their
20 communications were being secretly intercepted, received, recorded and/or monitored, nor did
21 they seek to obtain their consent to do so.

22 30. By failing to advise Plaintiff that the communications were being secretly
23 intercepted, received, recorded and/or monitored, Defendants violated California's Invasion of
24 Privacy Act.

25 31. Without obtaining advance consent to record such communications, Defendants
26 intercepted, received, recorded and/or monitored their communications with Plaintiff in violation
27 of California's Invasion of Privacy Act.
28

1 32. Pursuant to California Penal Code section 637.2(a)(1), Plaintiff is entitled to
2 recover liquidated damages in the amount of \$5,000 per violation.

3 33. Pursuant to California Penal Code section 637.2(b), Plaintiff also seeks a
4 preliminary and permanent injunction to restrain Defendants from committing further violations of
5 section 632(a) of California's Invasion of Privacy Act.

6 **SECOND CAUSE OF ACTION**

7 **(Violation of the Unlawful, Unfair and Fraudulent Business Acts and Practices Act,**

8 **California Business and Professions Code section 17200, et seq.)**

9 **(Against All Defendants)**

10 34. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as
11 though fully stated herein.

12 35. The acts, omissions, misrepresentations, practices and non-disclosures of
13 Defendants as alleged herein constitute unlawful, unfair and fraudulent business acts and practices
14 within the meaning of California Business & Professions Code section 17200, et seq.

15 36. Defendants have engaged in "unlawful" business acts and practices by violating
16 California's Invasion of Privacy Act, as set forth in more detail above.

17 37. The above-described unlawful business acts and practices conducted by Defendants
18 continue to this day and present a threat to the general public in that Defendants have failed to
19 publicly acknowledge the wrongfulness of their actions and provide full equitable injunctive and
20 monetary relief as required by the statute.

21 38. As Plaintiff has suffered an injury in fact as a result of Defendants engaging in such
22 unlawful acts, pursuant to California Business & Professions Code section 17203, Plaintiff seeks
23 an order of this Court requiring Defendants to immediately cease such unlawful acts and enjoining
24 Defendants from continuing to conduct business via the unlawful business acts and practices set
25 forth in this Complaint. Plaintiff also requests an award of attorneys' fees and costs pursuant to
26 California Code of Civil Procedure section 1021.5 and the substantial benefit and common fund
27 doctrines.
28

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff and the Class request that the Court enter judgment against Defendants
3 for:

4 **First Cause of Action: California's Invasion of Privacy Act**

5 1. For liquidated damages in the amount of \$5,000 per violation pursuant to
6 California Penal Code section 637.2(a)(1) to Plaintiff and each Class member;

7 2. For an injunction to restrain further violations of California's Invasion of
8 Privacy Act, pursuant to California Penal Code section 637.2(b) to Plaintiff and each
9 Class member;

10 3. For the payment of reasonable attorneys' fees and costs of suit incurred
11 herein as provided for by law under, *inter alia*, California Code of Civil Procedure
12 section 1021.5 and the substantial benefit and common fund doctrines.

13 **Second Cause of Action: Business and Professions Code §§17200, et seq.**

14 4. For equitable and monetary relief as set forth in this Complaint to Plaintiff
15 and each Class member;

16 5. For an injunction and declaratory relief as set forth in this Complaint;

17 6. For reasonable attorneys' fees and costs of suit as specified under, *inter alia*,
18 California Code of Civil Procedure section 1021.5 and the substantial benefit and common fund
19 doctrines.

20 **For All Causes of Action**

21 7. For pre- and post-judgment interest at the legal rate;


22 8. For attorneys' fees and costs; and

23 9. For any other relief that the Court deems just and proper.

24 DATED: December 1, 2011

Respectfully submitted,

25 SUSAN YOON

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Attorney for Plaintiff,

27 Erick Sharrow and those similarly situated

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TRIAL BY JURY

Plaintiff is entitled to and demands a trial by jury for all claims so triable.

DATED: December 1, 2011

Respectfully submitted,
SUSAN YOON



Attorney for Plaintiff,
Erick Sharrow and those similarly situated

12/02/11

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

Susan Yoon, Esq. (SBN 173654)
 LAW OFFICES OF SUSAN YOON
 2029 Century Park East, Suite 1400
 Los Angeles, CA 90067

TELEPHONE NO.: (818) 554-7317

FAX NO.:

ATTORNEY FOR (Name): Erick Sharrow

FOR COURT USE ONLY

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

DEC 2 2011

John A. Clarke, Executive Officer/Clerk

BY Mary Flores Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles

STREET ADDRESS: 111 N. Hill Street

MAILING ADDRESS: 111 N. Hill Street

CITY AND ZIP CODE: Los Angeles, CA 90012

BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:

SHARROW v. T-Mobile USA, Inc.

CIVIL CASE COVER SHEET

- ☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000 or less)

Complex Case Designation

- ☐ **Counter** ☐ **Joinder**

Filed with first appearance by defendant
 (Cal. Rules of Court, rule 3.402)

CASE NUMBER: BC 474543

JUDGE:

DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort

- ☐ Auto (22)
☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- ☐ Asbestos (04)
☐ Product liability (24)
☐ Medical malpractice (45)
☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- ☐ Business tort/unfair business practice (07)
☐ Civil rights (08)
☐ Defamation (13)
☐ Fraud (16)
☐ Intellectual property (19)
☐ Professional negligence (25)
☐ Other non-PI/PD/WD tort (35)

Employment

- ☐ Wrongful termination (36)
☐ Other employment (15)

Contract

- ☐ Breach of contract/warranty (06)
☐ Rule 3.740 collections (09)
☐ Other collections (09)
☐ Insurance coverage (18)
☐ Other contract (37)

Real Property

- ☐ Eminent domain/Inverse condemnation (14)
☐ Wrongful eviction (33)
☐ Other real property (26)

Unlawful Detainer

- ☐ Commercial (31)
☐ Residential (32)
☐ Drugs (38)

Judicial Review

- ☐ Asset forfeiture (05)
☐ Petition re: arbitration award (11)
☐ Writ of mandate (02)
☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

- ☐ Antitrust/Trade regulation (03)
☐ Construction defect (10)
☐ Mass tort (40)
☐ Securities litigation (28)
☐ Environmental/Toxic tort (30)
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint

- ☐ RICO (27)
☒ Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- ☐ Partnership and corporate governance (21)
☐ Other petition (not specified above) (43)

2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses
 b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
 c. ☒ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive

4. Number of causes of action (specify): 2

5. This case ☒ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: December 1, 2011

Susan Yoon

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE:

SHARROW v. RESEARCH IN MOTION CORPORATION, et al.

CASE NUMBER

BC 474543

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☐ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 7 ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

SHORT TITLE:

SHARROW v. RESEARCH IN MOTION CORPORATION, et al.

CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A8013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A8004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A8009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A8027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

SHARROW v. RESEARCH IN MOTION CORPORATION, et al.

CASE NUMBER

Judicial Review

Provisionally Complex Litigation

Enforcement
of JudgmentMiscellaneous
Civil ComplaintsMiscellaneous
Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ/Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input checked="" type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE:

SHARROW v. RESEARCH IN MOTION CORPORATION, et al.

CASE NUMBER

Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input checked="" type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 1200 Villa Street, Suite 200
CITY: Mountain View	STATE: CA	ZIP CODE: 94041	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: December 1, 2011


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.